

EXHIBIT 150 TO DECLARATION OF VALERIE SCHUSTER

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*TZVI WEISS, et al. VS.
NATIONAL WESTMINSTER BANK, PLC*

*ARIEH-DAN SPITZEN
May 13, 2011*



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<p>1 SPITZEN 2 much of the time, you would say, went to 3 research, and how much, you would say, went to 4 writing? 5 MR. UNGAR: Objection to form. 6 A. It's difficult to answer this 7 question. I'm trying to think. A high 8 percentage is a gathering the material; and 9 finding the material, reading it, editing it. 10 Again, I don't want to commit to 11 percentages. Possibly -- again, it's not math. 12 It's not adding up numbers. It may be 35 13 percent and 65 percent. 14 Q. Would you estimate you've spent more 15 than 100 hours writing your reports in the 16 Credit Lyonnais and NatWest matters -- just 17 writing, not research? 18 MS. KOHN: Each? 19 MR. LUFT: Combined. 20 MR. UNGAR: Objection to form. 21 A. Yes, definitely. 22 Q. If I could ask you to -- I will be 23 looking at Exhibit 2, because I don't speak 24 Hebrew. But, if you would like to look at 25 Exhibit 1 with 2 next to it, we'll try to match</p>	<p>1 SPITZEN 2 I believe that was in the Kuran 3 deposition. 4 MR. LUFT: I didn't ask him to look at 5 his transcript, Ari. 6 A. Yes, I remember that we talked about 7 the 13 entities. 8 Q. These are the 13 entities that you 9 offer opinions on, as stated in the second 10 bullet point of your report, under: Scope of 11 work, correct? 12 MR. UNGAR: Objection to form. 13 A. Second paragraph? 14 Q. Second bullet point, under No. 2. 15 THE WITNESS: (In English) In Hebrew 16 there is no such term, like bullet, so -- okay. 17 No, I understand. Okay. 18 A. Yes, I understand. Okay. Yes. 19 Q. Were you asked to consider any 20 entities, other than the 13 listed on pages 1 21 and 2, by plaintiffs? 22 A. For the purposes of Credit Lyonnais? 23 Q. I believe these are the exact same 24 entities in Credit Lyonnais and in NatWest. 25 Is your understanding different?</p>
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<p>1 SPITZEN 2 it up. 3 And, specifically, I'm going to direct 4 your attention to pages -- what are 1 and 2 in 5 Exhibit 2. And I believe they are also in 6 Exhibit 1. 7 A. Okay. 8 Q. Mr. Spitzen, do you recall, when we 9 took your Credit Lyonnais deposition, we 10 discussed these 13 entities listed on pages 1 11 and 2? 12 A. Yes. 13 Q. And, in the Credit Lyonnais 14 deposition, we had an understanding that, for 15 the sake of time, we could just refer to them 16 collectively as "the 13 entities," right? 17 MR. UNGAR: Objection to form. 18 And, in general, if you need to look 19 back at your Credit Lyonnais deposition 20 transcript, as defense counsel has asked me to 21 do -- 22 MR. LUFT: I have not, Ari. 23 MR. UNGAR: -- you are able to look at 24 that transcript. 25 You can answer.</p>	<p>1 SPITZEN 2 A. I was confused. Are you talking about 3 NatWest, for the purposes of NatWest? 4 Q. Well, let me clarify. 5 Mr. Spitzen, do you agree with me that 6 the 13 entities listed in your NatWest report 7 are the exact same 13 entities that were listed 8 in your Credit Lyonnais report? 9 A. To the best of my recollection, yes. 10 Q. For purposes of your -- for either 11 report you submitted -- either Credit Lyonnais 12 or NatWest -- did plaintiffs' counsel ask you to 13 consider any entities other than the 13 entities 14 referenced on pages 1 and 2 of your NatWest 15 report? 16 MR. UNGAR: Objection to form. 17 A. This is a very broad question. In the 18 report itself there are other entities appearing 19 that I handled. 20 Q. Mr. Spitzen, you referred to applying 21 an 18-step test with regard to these 13 22 entities, correct? 23 MR. UNGAR: Objection to form. 24 A. Yes, correct. 25 Q. For purpose of the work you have done</p>

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<p>1 SPITZEN</p> <p>2 identified with Hamas, was the same conclusion</p> <p>3 you drew as to that entity in the Credit</p> <p>4 Lyonnais case, correct?</p> <p>5 MR. UNGAR: Objection to form.</p> <p>6 A. That's correct.</p> <p>7 Q. In Credit Lyonnais, you testified that</p> <p>8 the way you reached your conclusion was applying</p> <p>9 your 18-step test, correct?</p> <p>10 MR. UNGAR: Objection to form. The</p> <p>11 testimony speaks for itself.</p> <p>12 You can answer.</p> <p>13 A. Yes.</p> <p>14 Q. In writing your NatWest report, you</p> <p>15 didn't redo your 18-step test with regard to</p> <p>16 each of the entities, did you?</p> <p>17 MR. UNGAR: Objection to form.</p> <p>18 A. It's not accurate. It's not accurate.</p> <p>19 Q. Did you re-perform your 18-step test</p> <p>20 on each of the 13 entities for purposes of your</p> <p>21 NatWest report?</p> <p>22 A. To some extent, I did.</p> <p>23 Q. What do you mean, when you say: To</p> <p>24 some extent?</p> <p>25 A. Because, when I -- while writing the</p>	<p>1 SPITZEN</p> <p>2 translation of your report?</p> <p>3 I hope it tracks your Hebrew.</p> <p>4 Mr. Spitzen, specifically, I'm</p> <p>5 looking -- you see that there is a subject line</p> <p>6 heading: No. 4: The influence of the Muslim</p> <p>7 brotherhood movement?</p> <p>8 A. Yes.</p> <p>9 Q. There is a short paragraph, right on</p> <p>10 top of that. And I'm looking right above that</p> <p>11 short paragraph.</p> <p>12 A. Okay.</p> <p>13 THE WITNESS: On the other end --</p> <p>14 begins with --</p> <p>15 Q. Yes, that paragraph, beginning: On</p> <p>16 the other end. And I am looking at the bottom</p> <p>17 of that paragraph.</p> <p>18 And it says, on the bottom: In</p> <p>19 others, where only some of the criteria existed,</p> <p>20 those were tested against other possibilities</p> <p>21 and options.</p> <p>22 Do you recall writing that?</p> <p>23 A. Yes.</p> <p>24 Q. What other possibilities and options</p> <p>25 did you test it against?</p>
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<p>1 SPITZEN</p> <p>2 NatWest report, I went over each of the</p> <p>3 entities, and each one of my references.</p> <p>4 The final number of corrections does</p> <p>5 not reflect the amount of work that has been</p> <p>6 done. Because every -- for example, every</p> <p>7 reference in regards to websites was reexamined</p> <p>8 by me, again and again, just in case -- in case</p> <p>9 an internet site stopped being active. I had to</p> <p>10 delete the reference and look for new ones, or</p> <p>11 delete whatever I wrote there.</p> <p>12 So, it won't be correct to say that</p> <p>13 they were not reexamined through the 18-step</p> <p>14 test.</p> <p>15 Q. Anything else?</p> <p>16 A. No.</p> <p>17 Q. In applying -- strike that.</p> <p>18 In doing your analysis for the NatWest</p> <p>19 case, did you change your methodology from the</p> <p>20 methodology you used to reach your conclusions</p> <p>21 in the Credit Lyonnais case?</p> <p>22 MR. UNGAR: Objection to form.</p> <p>23 A. No, certainly not.</p> <p>24 Q. Mr. Spitzen, if I could ask you to</p> <p>25 turn to page 7 in what is the English</p>	<p>1 SPITZEN</p> <p>2 MR. UNGAR: Objection to form.</p> <p>3 A. For example, does -- is the</p> <p>4 organization controlled by the Islamic jihad?</p> <p>5 Maybe it is controlled by the Fatah. Maybe --</p> <p>6 but I never found one on the West Bank -- this</p> <p>7 organization is an independent organization.</p> <p>8 THE WITNESS: I have not find such an</p> <p>9 organization on the West Bank .</p> <p>10 A. I have not found an independent</p> <p>11 organization.</p> <p>12 Q. You've never found an independent</p> <p>13 charity?</p> <p>14 MR. UNGAR: Objection to form.</p> <p>15 A. There are definitely independent</p> <p>16 charity organizations, especially the Christian</p> <p>17 ones that are controlled by international</p> <p>18 organizations.</p> <p>19 But here, we are talking about Zakat</p> <p>20 committees. And I have not found independent</p> <p>21 Zakat committees.</p> <p>22 Q. Mr. Spitzen, is it your testimony that</p> <p>23 all the 13 entities are, in fact, Zakat</p> <p>24 committees?</p> <p>25 A. No.</p>

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1 SPITZEN
2 Q. You have no understanding of how much
3 time you spent answering one of the three
4 questions you list under: Your scope of work?
5 MR. UNGAR: Objection, asked and
6 answered. Argumentative.
7 A. It's hard to answer because this is
8 not how I work -- that I started working on
9 [REDACTED] sat down in five or ten days, I
10 only concentrated on him.
11 The work is much less organized in
12 this respect. So, it's difficult for me to
13 separate the hours that I spent on this, as
14 opposed to hours that I spent on something else.
15 Q. Mr. Spitzen, the question you were
16 asked to consider was whether an individual,
17 listed as [REDACTED] on transfer
18 records, was, in fact, a blood relative of Ahmed
19 Harb Ahmed El Kurd, correct?
20 THE WITNESS: Yes.
21 MR. UNGAR: Objection to form.
22 A. Okay.
23 Q. You were not asked to offer any
24 opinion as to who directed the transfer of funds
25 from Interpal to [REDACTED] correct?

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1 SPITZEN
2 MR. UNGAR: Objection to form.
3 A. Correct.
4 Q. And you are not offering any opinion
5 on what the funds, that were allegedly
6 transferred to [REDACTED] were used for,
7 correct?
8 MR. UNGAR: Same objection.
9 A. Correct.
10 Q. Mr. Spitzen, are you an expert on
11 genealogy?
12 MR. UNGAR: Objection, to the extent
13 it calls for a legal conclusion.
14 A. I don't know what you mean by an
15 expert on genealogy.
16 Q. Have you studied genealogy?
17 A. As a profession? No.
18 Q. Have you ever been hired as a
19 genealogist?
20 A. No.
21 Q. Are you an expert on Muslim naming
22 practices?
23 MR. UNGAR: Objection to form, to the
24 extent it calls for a legal conclusion.
25 A. I am not addressing the word

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1 SPITZEN
2 "expertise" now.
3 But, I have a lot of experience in
4 identifying or recognizing Muslim names --
5 Arabic names -- 30 years of experience in
6 coordinating operations in the territories, by
7 an organization that has a daily contact with
8 three and a half million of Palestinians in
9 Judea, Samaria, and Gaza; an organization that
10 issues tens of thousands of licenses every year
11 and certificates and all kinds of other permits.
12 It provided me with a considerable
13 amount of experience in Arabic naming. That, in
14 addition to my studies on Islam that I -- that I
15 took at the university -- this topic is dealt
16 with, as well.
17 Q. Mr. Spitzen, if I could ask you to
18 turn to page 68 and 69 of your report?
19 THE WITNESS: Can you tell me about --
20 Q. I'm trying to find the section. I
21 believe it's the section where you wrote about
22 the [REDACTED] issue.
23 You found the section?
24 A. Yes.
25 THE WITNESS: I guess, if this section

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1 SPITZEN
2 deals with [REDACTED] yes.
3 Q. Mr. Spitzen, do you recall the
4 opinions you reached in this case, with regard
5 to [REDACTED]?
6 A. I'll read it, and then I'll recall it.
7 Q. Do you not recall it, without reading
8 your report, what opinions you have with regard
9 to [REDACTED]?
10 MR. UNGAR: Objection to form.
11 A. No, I always prefer to see what I had
12 written.
13 Q. I'm just asking, do you recall your
14 opinions, without reading your report about what
15 your opinions are as to [REDACTED]?
16 MR. UNGAR: Objection to form. Asked
17 and answered.
18 A. As far as I recall, I concluded that
19 there is a high probability that [REDACTED]
20 is Ahmed El Kurd's son.
21 Q. Mr. Spitzen, you did not analyze the
22 flow of funds that went from Interpal to the
23 person listed as [REDACTED] on the transfer
24 records, correct?
25 MR. UNGAR: Objection to form.

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1 SPITZEN
2 A. I saw all the transfer records.
3 Q. You have no knowledge of whether Ahmad
4 El Kurd --
5 A. Ahmed El Kurd.
6 Q. -- Ahmed El Kurd had anything to do
7 with the transfer from Interpal of a person
8 named [REDACTED] correct?
9 MR. UNGAR: Objection to form.
10 A. No, and I don't think I said anything
11 like it.
12 Q. And you don't know if the Al Salah
13 Society had anything to do with the transfer
14 from Interpal to [REDACTED] correct?
15 MR. UNGAR: Same objection.
16 A. Correct.
17 Q. And you don't know if Hamas had
18 anything to do with the transfer from Interpal
19 to [REDACTED] correct?
20 MR. UNGAR: Same objection.
21 A. Correct.
22 Q. And you have no knowledge that the
23 transfer to -- from Interpal to a [REDACTED]
24 [REDACTED] had anything to do with terrorism, correct?
25 MR. UNGAR: Same objection.

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1 SPITZEN
2 A. Correct.
3 Q. Do you know what the word objection
4 means in English?
5 MR. UNGAR: Object to the form.
6 A. I imagine I do.
7 Q. Okay. Good.
8 Mr. Spitzen, what is -- could you
9 explain purchasing power parity to me?
10 MS. KOHN: The interpreter doesn't
11 know how to interpret it.
12 Q. It's a term in footnote 347 of Mr.
13 Spitzen's report. It says purchasing power
14 parity. And I would like him to explain it to
15 me.
16 A. I have to see that. I want to see --
17 whatever it says in Hebrew, it will probably be
18 what I meant.
19 Q. I note that it's a defined term in
20 your footnote?
21 THE WITNESS: Yes, I know what -- yes.
22 Q. Could you explain purchasing power
23 parity to me?
24 THE WITNESS: Yes. PPP.
25 A. Yes. PPP means the value of a

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1 SPITZEN
2 currency in a specific geographic area.
3 That means, for example, that, for a
4 thousand dollars you can buy a certain quantity
5 of things in New York. But, in Gaza, you may be
6 able to buy ten times as much for it.
7 If you want to hear another example, I
8 think that the falafel in New York cost \$2, \$3.
9 And in Gaza it costs half a shekel -- maybe it's
10 a quantity that can't even be translated into
11 dollars.
12 Q. Mr. Spitzen, do you think the same
13 might be true between the price of borscht in
14 St. Petersburg and in Siberia -- in rural
15 Siberia?
16 MR. UNGAR: Objection to form.
17 A. It's not a question of whether I think
18 or don't think. I check it. I checked the GNP
19 in Russia at the time, and the PPP in Russia. I
20 checked it according to the information of the
21 international bank -- the world bank.
22 Q. Did you check the GNP of St.
23 Petersburg?
24 Let me strike that. Let me be clear.
25 I withdraw the question.

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1 SPITZEN
2 A. GNP is not tested in cities, but
3 rather countries.
4 Q. That is why I withdrew it.
5 Did you check the cost of living in
6 St. Petersburg?
7 MR. UNGAR: Objection to form.
8 A. The cost of living is part of the PPP.
9 Q. And you only looked at the PPP of
10 Russia, not St. Petersburg, correct?
11 A. There is no PPP test in cities.
12 Q. There is analysis of cost of living in
13 St. Petersburg, correct?
14 A. I am not familiar with such an
15 analysis.
16 The analysis was performed based on
17 customary data of the world bank, so --
18 And the result was -- the examination
19 showed that the person, a student, received
20 between close to twice, or twice to three times
21 of the GNP. It won't be improbable to conclude
22 that he received a lot of money, in Russian
23 terms.
24 Q. Mr. Spitzen, did you do any analysis
25 to try to differentiate St. Petersburg from

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1 SPITZEN
2 Russia as a whole?
3 THE WITNESS: No.
4 A. No.
5 Q. Mr. Spitzen, are you aware of studies
6 that show that Moscow and St. Petersburg are two
7 of the most expensive cities in the world to
8 live in?
9 A. What years do those studies deal with?
10 I am familiar with something, but I think those
11 deal with the most recent years.
12 Q. Did you do any analysis to determine
13 how expensive it was to live in St. Petersburg
14 during the years of -- that the transfers were
15 made?
16 A. No.
17 Q. Mr. Spitzen, you were asked to do
18 analysis to determine if he was a blood -- [REDACTED]
19 [REDACTED] is a blood relative, correct, of Ahmed
20 El Kurd?
21 A. Yes.
22 Q. Did you do any blood work as part of
23 your analysis?
24 MR. UNGAR: Objection to form.
25 A. Certainly, I didn't do any blood work

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1 SPITZEN
2 or DNA analysis.
3 Q. Those are common ways to determine
4 paternity, correct?
5 MR. UNGAR: Objection to form.
6 A. Before blood tests, there were many
7 other ways to identify the person, if I had the
8 ability to do it.
9 For example, they transferred -- wire
10 transfer had a passport number on it. But I had
11 no access to the Palestinian census, so I had
12 no -- so I couldn't check that it was, indeed,
13 the same person.
14 And, therefore, I said that there was
15 a high probability that, judging by the name, he
16 was the son. I didn't even say high
17 probability. I said it's very probable.
18 Q. Do you draw a distinction between high
19 probability and very probable?
20 A. I'm not sure there is a distinction,
21 but we should be accurate. If that's what I
22 wrote, that's what we should say, and not say
23 something else. And that's one of the reasons I
24 want this report in front of me.
25 Q. If I told you that, in the translation

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1 SPITZEN
2 we were provided, that phrase was translated as
3 highly probable, would you consider that to be
4 inaccurate -- the translation?
5 A. I will not say that it's incorrect,
6 because we don't deal often with names. This
7 was only an example of dealing with a name.
8 And, therefore, I didn't grade probabilities.
9 What I mean by high probability, lower
10 probability and so on -- or a high probability,
11 probable, and so on.
12 Q. So to be clear, Mr. Spitzen, you don't
13 actually know if the person who received the
14 transfer [REDACTED] is, in any way, related
15 to Ahmed El Kurd, correct?
16 MR. UNGAR: Objection to form.
17 Objection misstates prior testimony.
18 A. That's not what I said. I said it
19 was -- there was a probability of him being the
20 son of Ahmed El Kurd, and I explained why.
21 MR. UNGAR: Are you finished with your
22 answer?
23 A. No. If Ahmed El Kurd is called Abu
24 Osama; and, if the person's name is [REDACTED] and
25 the abbreviation A for, probably, Ahmed; and, if

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1 SPITZEN
2 the person is named Ahmed Harb El Kurd, that
3 means that [REDACTED]'s grandfather's name was
4 Harb --
5 Q. Mr. Spitzen, I'm going to move to
6 strike the answer as nonresponsive.
7 MR. UNGAR: I'm going to ask you to
8 let him finish his answer. It's not
9 nonresponsive. And you should let him finish
10 his answer.
11 MR. LUFT: It's a waste of time. I
12 asked a question if he knows if he is related to
13 him, and he's telling me something different.
14 MR. UNGAR: Mr. Spitzen, please finish
15 your answer.
16 A. So the probability is high that [REDACTED] is
17 [REDACTED]
18 the son of Ahmed El Kurd.
19 Q. Mr. Spitzen, my question is, you don't
20 actually know if [REDACTED] is related to
21 Ahmed El Kurd, correct?
22 That's not something you know to be a
23 fact, right?
24 MR. UNGAR: Objection to form.
25 Objection asked and answered.

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<p>1 SPITZEN 2 MR. LUFT: Gary could just do it -- 3 MR. OSEN: The question as posed, do 4 you mean does he personal knowledge or does he 5 have an expert opinion? 6 MR. LUFT: No, the question is, does 7 he know for a fact that these two people are 8 related? 9 MR. OSEN: Knowledge is a legal term. 10 MR. LUFT: No, it's not. I think he 11 understands what knowledge means. 12 MR. OSEN: No, because expert 13 knowledge, which is opinions offered by an 14 expert, are not based on personal knowledge. I 15 don't know which you are asking. 16 MR. LUFT: It's not any difference. 17 It's a factual question. Does he know if these 18 two people are related? It's not whether he has 19 an opinion as to whether it's probable. 20 A. First of all, the question. First of 21 all, you said you don't know that [REDACTED] 22 is the son of Ahmed El Kurd. 23 So, I do know that [REDACTED] is 24 the son of Ahmed, because Ahmed El Kurd is 25 called Abu Osama. And, therefore, he has a son</p>	<p>1 SPITZEN 2 Objection as an incomplete hypothetical. 3 You can answer. 4 A. Your question is completely removed 5 from reality, because we know that Ahmed El Kurd 6 [REDACTED] 7 [REDACTED] 8 And then you can remove the name 9 [REDACTED] and then I won't have any basis 10 whatsoever to assume that he is his father. 11 But, once I have -- but, once I have 12 the name of the father, and the nickname of the 13 father, and the last name El Kurd, then, as I 14 said, it's probable -- let's say probable that 15 they are related. 16 THE VIDEOGRAPHER: We are now off the 17 record. The time is 12:41 p.m., May 13, 2011. 18 (Recess) 19 THE VIDEOGRAPHER: This is tape 3 of 20 the deposition of Arie Spizen. 12:43 p.m., 21 May 13, 2011. 22 BY MR. LUFT: 23 Q. Mr. Spizen, have you ever met the man 24 listed on the transfer -- [REDACTED] 25 A. Not that I remember any such thing.</p>
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<p>1 SPITZEN 2 by the name of [REDACTED] 3 Now, the question is, whether I 4 know -- whether -- that the [REDACTED] 5 mentioned here, is the son of Ahmed El Kurd. 6 So, I said that the probability is high that he 7 is. 8 Q. Mr. Spizen, when you say the 9 probability is high, you don't know for a 10 certainty that they are related, correct? 11 A. Correct. 12 Q. Now, Mr. Spizen, if I asked you not 13 to assume that Ahmed El Kurd is the father of 14 the [REDACTED] we are speaking of; on what 15 basis is it probable that the A in Mr. El Kurd's 16 name stands for Ahmed, and the H stands for 17 Harb? 18 So, assuming you don't know; or you 19 are not making any assumptions that Mr. Ahmed El 20 Kurd is in any way related to [REDACTED]; and 21 all you had was just the name on the transfer 22 [REDACTED] is there any reason to 23 believe, just looking at that name, that the A 24 stands for Ahmed, and the H stands for Harb? 25 MR. UNGAR: Objection to form.</p>	<p>1 SPITZEN 2 Q. Have you ever met anyone who has ever 3 met [REDACTED] or a man referenced in 4 the transfer as [REDACTED] 5 MR. UNGAR: Objection to form. 6 Foundation. 7 A. I am unable to know such a thing. 8 It's very possible that it's so, because, if he 9 is a student from the Gaza strip or from the 10 West Bank, it's -- from the Gaza strip, he needs 11 the services of the civilian administration. 12 So, he came to them. And I did meet 13 with people from the civilian administration, so 14 I can't say -- 15 Q. Mr. Spizen -- 16 MS. BEYLER: -- so, I can't say -- I 17 believe he -- 18 A. -- so, I can't say yes or no. 19 Q. Mr. Spizen, all you know -- actually 20 know about [REDACTED] is that his 21 name is, as listed on the transfer, is [REDACTED] 22 [REDACTED] correct? 23 That's the only actual fact that you 24 know -- is that there was a transfer made to an 25 individual called [REDACTED] right?</p>

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1 SPITZEN
2 MR. UNGAR: Objection, form; to the
3 extent it mischaracterizes his prior testimony.
4 A. All that I know is, first of all,
5 there were transfers and not a transfer. And I
6 pointed it out.
7 And the number two is that this
8 person, according to my analysis, is probably
9 the son of Ahmed El Kurd; and that he received
10 the money in [REDACTED]
11 Q. Move to strike as nonresponsive.
12 MR. UNGAR: Oppose that motion.
13 Q. Well, I'm going to also need more time
14 for you, if you can't answer the questions I'm
15 asking. So it is not just --
16 MR. UNGAR: I'm going to object to
17 that speech. You can go on with your questions.
18 Q. Mr. Spitzen, I'm not asking you about
19 what conclusions you drew from your analysis.
20 I'm asking you about facts you know with
21 certainty.
22 You do not know, to a certainty, where
23 the man listed on the record as [REDACTED]
24 [REDACTED] comes from, correct?
25 MR. UNGAR: Objection to form.

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1 SPITZEN
2 A. With certainty, no.
3 Q. It's possible he may come from Egypt?
4 MR. UNGAR: Objection to form. Calls
5 for speculation.
6 A. It's hard to think that he came from
7 Egypt. There is a passport number on the
8 transfer. And, from my knowledge of a
9 [REDACTED] passport numbers in the series, it's
10 probably a [REDACTED] passport.
11 Q. Mr. Spitzen, you looked on the
12 internet to find out what the names of Mr. El
13 Kurd's sons are, correct?
14 A. Yes.
15 Q. Other than knowing that his honorific
16 name is Abu Osama, did you find any reference on
17 the internet that Mr. El Kurd had a son named
18 [REDACTED]
19 A. I have to check it. Just a minute. I
20 have to see.
21 Q. It's footnote 350.
22 A. I understand, but I have to see
23 something else.
24 According to what I see here, I saw
25 the names of his two additional sons. I don't

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1 SPITZEN
2 see there is reference to his name.
3 Q. Was there reference to the fact that
4 he had a son, other than the two sons you list,
5 who are not named [REDACTED]
6 MR. UNGAR: Objection to form.
7 A. I don't remember exactly the passage
8 on the internet, what it says. I cannot answer
9 this question.
10 Q. Would you agree with me that [REDACTED] is
11 a common Muslim first name?
12 MR. UNGAR: Objection to form.
13 A. Yes, less than Ahmed, but still.
14 Q. How about compared to Abdul?
15 MR. UNGAR: Objection to form.
16 A. Abdul is not a name. Maybe Abdullah.
17 Q. Let's take an Abdullah, then.
18 Is it possible that, if you just saw
19 the name written down [REDACTED] and
20 knew nothing else about him -- is it possible
21 the A could stand for Abdullah?
22 MR. UNGAR: Objection to form.
23 A. Theoretically, yes. In Hebrew or in
24 Arabic, it wouldn't have happened, because the
25 name would be with an I, AIN.

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1 SPITZEN
2 Q. What was the transfer written in?
3 THE WITNESS: It's another -- the wire
4 transfer --
5 A. I don't remember. It might have been
6 in English. No, it was in English, yes.
7 Q. And H could stand for Hakim?
8 MR. LUFT: Objection to form.
9 A. Theoretically, yes.
10 Q. And the fact that Mr. El Kurd's
11 honorific name is Abu Osama -- that tells you
12 that he has, in your opinion, a son named [REDACTED]
13 correct?
14 A. Yes, absolutely.
15 MR. LUFT: All right -- oh, let me ask
16 you one more question.
17 Q. Are you aware of any evidence that the
18 man listed on the transfer as [REDACTED]
19 is, in any way, connected to terrorism?
20 MR. UNGAR: Objection to form.
21 A. No, I have no such information.
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1 SPITZEN
2 MR. UNGAR: Okay. Why don't we break
3 for lunch.
4 THE VIDEOGRAPHER: We are now off the
5 record. The time is 1:00 p.m., May 13, 2011.
6 (Lunch recess)
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1 SPITZEN
2 AFTERNOON SESSION
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4 THE VIDEOGRAPHER: We are now back on
5 the record. The time is 1:55 p.m. Today is May
6 13, 2011.
7 BY MR. LUFT:
8 Q. Good afternoon, Mr. Spitzen.
9 A. Good afternoon.
10 Q. Mr. Spitzen, do you recall, towards
11 the beginning of your deposition in Credit
12 Lyonnais, I asked you some clarifying questions
13 about opinions that you were not offering in the
14 Credit Lyonnais matter?
15 MR. UNGAR: Objection to form.
16 A. I remember something generally, but
17 not specifically.
18 Q. That's fine. So I'm going to ask
19 you -- similarly, I'm going to ask you now some
20 questions with regard to opinions that I don't
21 see in your NatWest report.
22 And I just want you to confirm for me
23 that, in fact, they are not opinions that you
24 are offering in this matter, okay?
25 A. Hm-hmm.

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1 SPITZEN
2 Q. You have to answer audibly, sorry.
3 A. Yes.
4 Q. Mr. Spitzen, you are offering no
5 opinion that money transferred by Interpal
6 through NatWest accounts was used to perpetrate
7 the 15 attacks at issue in this litigation,
8 correct?
9 A. If you are talking specifically about
10 this 15 attacks, the money that went from
11 Interpal to -- that went from Interpal through
12 NatWest, then you are correct.
13 MR. LUFT: Why don't we go off the
14 record for a second?
15 THE VIDEOGRAPHER: We are now off the
16 record. The time is 2:09 p.m.
17 (Recess)
18 THE VIDEOGRAPHER: We are now back on
19 the record. The time is 1:59 p.m., May 13,
20 2011.
21 BY MR. LUFT:
22 Q. Mr. Spitzen, you are offering no
23 opinion that any of the entities in this case,
24 that NatWest transferred money to through
25 Interpal -- I'm sorry.

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1 SPITZEN
2 Let me strike that.
3 You are offering no opinion that any
4 of the entities in this case, that Interpol
5 transferred money to through NatWest,
6 transferred money to the perpetrators of the
7 attacks at issue in this litigation, correct?
8 A. I didn't find proof regarding the
9 perpetrators themselves.
10 However -- and again, I cannot point
11 to it as being money that was transferred from
12 Interpol through NatWest.
13 But, the people who planned the
14 attacks and sent the terrorists.
15 But I'll put it differently. There
16 were people who participated in the planning of
17 the attacks, or participated in sending the
18 perpetrators that were connected or affiliated
19 with the associations, or received money from
20 the associations. And each instance like that
21 was pointed out in the content of the report --
22 of course, every such instance that I located,
23 every such instance that I was aware of.
24 Q. Mr. Spitzen, again, I'm just asking
25 you -- please listen carefully to the question

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1 SPITZEN
2 I'm asking you, okay? -- I'm only asking if you
3 are offering the opinion I'm asking you about.
4 Mr. Spitzen, you are offering no
5 opinion that any of the entities at issue in
6 this litigation, that Interpal transferred money
7 to through NatWest, participated in any of the
8 15 attacks at issue in this litigation, correct?
9 A. I just want to clarify. Are we
10 talking about the entities themselves -- the
11 entities who were partners to the attack?
12 Q. The 15 attacks at issue in this
13 case -- whether you are offering an opinion
14 whether any of the entities at issue in this
15 litigation, that Interpal transferred money to
16 through NatWest, participated in any of the 15
17 attacks at issue in this litigation?
18 MR. UNGAR: Objection to form.
19 A. No, the way the question is
20 formulated, no.
21 Q. No, you are not offering that opinion?
22 A. I am not -- the way the question is
23 formulated, no.
24 Q. You are offering no opinion that any
25 of the entities at issue in this case, that

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1 SPITZEN
2 Interpal transferred money to through NatWest,
3 trained the perpetrators of the 15 attacks at
4 issue in this litigation, correct?
5 MR. UNGAR: Objection to form.
6 A. I cannot answer the question the way
7 it is asked, because the term trained is not
8 clear to me.
9 Q. Mr. Spitzen, all the opinions that you
10 are offering in this case are stated in your
11 expert report, which has been marked as Exhibit
12 1, correct?
13 MR. UNGAR: Objection, asked and
14 answered.
15 A. Yes.
16 Q. And if we look at the end of your
17 report, there is a section titled: Conclusions,
18 correct?
19 A. Yes.
20 Q. Is this meant to be a summary of the
21 conclusions that you are offering in your
22 report?
23 MR. UNGAR: Take a moment to look at
24 that to answer.
25 A. I am not finding a section of

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1 SPITZEN
2 conclusions. Are you asking conclusions, or
3 conclusion?
4 Q. It's translated as conclusions in the
5 English version.
6 A. Yes, but these -- this conclusion only
7 refers to [REDACTED]
8 Q. I see what you are saying. I
9 apologize.
10 Mr. Spitzen, could you look at page 3
11 of your NatWest report?
12 A. Yes.
13 Q. Do you see the first full paragraph --
14 there is a line that says: The PAD was
15 responsible for writing and updating the annual
16 comprehensive review about the civilian from
17 structure of Hamas, the Dawa?
18 A. Yes, I see it.
19 Q. There is a footnote connected to it,
20 right?
21 A. Yes.
22 Q. Footnote No. 1, correct?
23 A. Correct.
24 Q. It refers to the review as "the Dawa
25 book," correct?

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1 SPITZEN
2 A. Correct.
3 Q. Who named it the Dawa book?
4 A. We did -- the department for
5 Palestinians affairs, which I headed.
6 Q. Okay. It says, in the footnote, that:
7 It encompassed all the information accumulated
8 by the PAD for the year in review about Hamas
9 civilian infrastructure and that of other
10 organizations, correct?
11 A. Correct, yes.
12 Q. So, it included information about
13 Hamas civilian infrastructure and organizations
14 that were not connected to Hamas, correct?
15 MR. UNGAR: Objection to form.
16 A. Correct.
17 Q. It goes on to say that: The document
18 was made to follow civilian activities of
19 Islamic organizations, correct?
20 MR. UNGAR: Objection. It says
21 informative document, just for the record.
22 A. Not activities, but the operations, or
23 their activity.
24 MR. UNGAR: Just for the record,
25 that's part of a sentence that was read.